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APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
09 486,745	03 01 2000	MASAHIRO NOZAKI	AD6521	9818

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EXAMINER

WOODWARD, ANA LUCRECIA

ART UNIT	PAPER NUMBER
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1711

10

DATE MAILED: 05 22 2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 4/12/02
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1, 3 and 4 is/are pending in the application.
- ☐ Of the above claim(s) 3 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1 and 4 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other _____

Office Action Summary

DETAILED ACTION

Election/Restrictions

1. Claim 3 is withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected group, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 5.

Claim Rejections - 35 USC § 102/103

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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4. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over EP 0,488,335.

EP "335 discloses a thermoplastic molding composition comprising (A) an aromatic polyamide comprising dicarboxylic acid units comprising 50-100 mol% of units derived from terephthalic acid and 0-50 mol% of units derived from an aliphatic dicarboxylic acid and aliphatic diamine units, (B) a grafted olefin polymer and (C) an aliphatic polyamide, (D) a phosphorus antioxidant and, optionally, other additives inclusive of inorganic fillers. Since the compositions of the reference meet the requirements of the present claims in terms of the types of materials added and their contents, there is a reasonable basis to presume that the former would inherently be suitable for welding.

As presently recited, the generic "inorganic filler" is anticipated by the phosphorus compound of the reference. In any event, the reference specifically states that inorganic fillers can be used.

5. Claims 1 and 4 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. 6,291,633 (Nakamura).

Nakamura discloses polyamide resin compositions with excellent weld strength comprising 95-55 weight percent of an aliphatic polyamide resin and 5-45 weight percent of a partly aromatic copolyamide resin containing at least two kinds of aromatic monomer units. Table 3 discloses compositions polyamide 66 or polyamide 6 with polyamide 66/61. The compositions of the reference meet the requirements of the present claims in terms of the types of materials added. And, as such, there is a reasonable basis to presume that they would inherently be suitable for welding.

Claim Rejections - 35 USC § 103

6. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0,580,387

EP '387 discloses a polyamide molding composition comprising (A) a polyamide composed of xylylenediamine and aliphatic dicarboxylic acid, (B) polyamide 66, (C) a copper compound, (D) carbon black, (E) an alkali metal halide and, optionally, inorganic fillers. The polyamide (A) may contain, besides the xylylenediamine component and the aliphatic dicarboxylic acid, an aliphatic diamine and an aromatic dicarboxylic acid (page 3, lines 6-19).

The reference differs in essence from the present claims in not expressly exemplifying a polyamide (A) comprising aromatic dicarboxylic acid component and an aliphatic diamine component. As noted hereinabove, the production of such a polyamide is clearly within the purview of the general disclosure of the reference. Accordingly, the use of a polyamide meeting the terms of applicants' polyamide A would have been obvious to one having ordinary skill in the art.

As presently recited, the generic "inorganic filler" is met by the C, D or E compounds of the reference. In any event, the reference specifically states that inorganic fillers can be used

Response to Arguments

7. Applicant's arguments filed May 8, 2002 have been fully considered but they are not persuasive

The terminology "consisting essentially of" doesn't serve to distinguish the present claims over the cited prior art of record. This is because the additional ingredients required by the European references read on the "filler" component of the present claims. Further, there is

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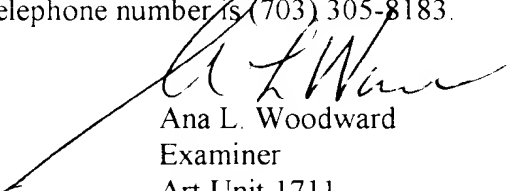
no showing of record that said components would materially affect the basic and novel characteristics of the presently claimed composition.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ana L. Woodward whose telephone number is (703) 308-2401.

The examiner can normally be reached on Monday-Friday (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on (703) 308-2462. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-8183.



Ana L. Woodward
Examiner
Art Unit 1711

AW
May 17, 2002